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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/843,923

Filing Date: April 30, 2001

Appellant(s): BRIN, SERGEY

Paul A. Harrity
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09 July 2007 appealing from the
Office action mailed 07 February 2007

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Yahoo! Main page, December 23, 1996;
<http://web.archive.org/web/19961223150621/http://www8.yahoo.com>; accessed 07 May 2006.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18, 19, 21-28, 29, 31-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff (US 6,247,047 B1) in view of Yahoo! (Yahoo!, <http://www.archive.org/web/19961223150621/http://www8.yahoo.com/>).

3. Regarding claim 18, Wolff teaches a method for enticing users to access a web page comprising the use of a graphical icon image (i.e. an advertisement banner) wherein the icon image is uploaded for display to a user on a web page. A keyword (search term) (indicia) is associated with the icon image wherein when the user selects the icon image a search is invoked to search an online database and then the search results are presented to the user on a web page (see Wolff, column 8, line 56 - column 9, line 15). Wolff does not explicitly teach that the graphical icon image is a standard company logo that can be modified to become a special event logo. However, in related art, Yahoo! teaches wherein a company logo can be modified to commemorate a

special event (see Yahoo!). Wolff provides an environment wherein different icon images can be displayed to a user on a web page and therefore it is deemed an obvious variation to present to a user an altered image. Yahoo! demonstrates this functionality wherein Yahoo! has altered their own company logo to celebrate the Christmas season. Wolff teaches that is known in the prior art to use different types of images for seasonal and one time use (column 2, ll. 27-28). It would have been obvious to one of ordinary skill in the art to enable the teachings of Wolff wherein the ability to display clickable images to a user on a web page in combination with the functionalities of Yahoo! wherein it is taught that one of ordinary skill can alter an image and upload it for display to a user on a web page. Further, it would have been obvious to associate the "search term" to relate to the graphical icon image as taught by Wolff because the keyword associated with the icon image is supposed to directly identify the product or service being represented by use of the icon image and when a user interacts (clicks) on the icon image (see Wolff, col. 8, ll. 43-49), it is deemed obvious that search results should be directly related to whatever the icon represents instead of erroneous data. One of ordinary skill would not find it desirable to provide search results that are totally unrelated to what is being displayed by the icon image. Therefore, in view of Yahoo!, if an image is altered in some sort of way, the keyword associated with the image should be changed accordingly so that the keyword corresponds to the image in some sort of way. One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teachings of Yahoo! with what is taught by Wolff as outlined above. One of ordinary skill in the art would have been motivated to make such

a combination due to being from the same field of endeavor (client-server network systems) and for the reasons stated above, particularly teaching the use of displaying images to user that are deemed clickable by Wolff and Yahoo! for teaching the use of altered images which may commemorate a special event and the use of different images to be displayed to a user is deemed an obvious variation in the art. In view of Wolff, the use of different images is clearly taught as a motivation in the prior art wherein one of ordinary skill in the art may find it useful to use different image types for seasonal use (col. 2, ll. 27-28).

4. Regarding claim 19, Wolff and Yahoo! teach the method wherein the modifying a standard company logo includes creating the special event logo by modifying the standard company logo with one or more animated images (Yahoo!).
5. Regarding claims 21, Wolff and Yahoo! teach the method wherein the special event includes a holiday (Yahoo!).
6. Regarding claim 22, Wolff and Yahoo! teach the processor further configured to:
associating one or more search terms relating to the special event with the special event logo (Wolff, col. 8, ll. 42-46, it is deemed obvious that search results should be directly related to whatever the icon represents instead of erroneous data. One of ordinary skill would not find it desirable to provide search results that are totally unrelated to what is being displayed by the icon image. Therefore, in view of Yahoo!, if an image is altered in some sort of way, the keyword associated with the image should be changed accordingly so that the keyword corresponds to the image in some sort of way.); and

wherein invoking a search includes:

performing the search based on the one or more search terms (Wolff, col. 8, II. 43-47).

7. Regarding claim 23, Wolff and Yahoo! teach the method wherein the uploading the special event includes displaying the special event logo on the web page during the special event (Yahoo! displayed the altered logo during the holiday season.).

8. Regarding claim 24, Wolff and Yahoo! teach the method wherein the invoking a search includes:

generating a search query using the one or more search terms (Wolff, col. 9, II. 3-13);

using the search query to search at least one of a network, an index, or a directory (Wolff, col. 9, II. 3-13); and

obtaining search results based on the search (Wolff, col. 9, II. 9-13).

9. Regarding claim 25, Wolff and Yahoo! teach the method wherein the modifying a standard company logo includes:

determining a home page for the web page on a network (Yahoo!, <http://www.yahoo.com>);

identifying the standard company logo on the home page (Yahoo!, standard Yahoo! logo); and

modifying the standard company logo with special event information to create the special event logo (Yahoo!, the addition of the reindeer to the standard logo creates a modified logo).

10. Regarding claim 26, Wolff teaches a method for enticing users to access a web page comprising the use of a graphical icon image (i.e. an advertisement banner) wherein the icon image is uploaded for display to a user on a web page. A keyword (search term) (indicia) is associated with the icon image wherein when the user selects the icon image a search is invoked to search an online database and then the search results are presented to the user on a web page (see Wolff, column 8, line 56 - column 9, line 15). The search results are then returned to the user in the form of a web page (col. 9, ll. 9-13). Wolff does not explicitly teach that the graphical icon image is a standard company logo that can be modified to become a special event logo. However, in related art, Yahoo! teaches wherein a company logo can be modified to commemorate a special event (see Yahoo!). Wolff provides an environment wherein different icon images can be displayed to a user on a web page and therefore it is deemed an obvious variation to present to a user an altered image. Yahoo! demonstrates this functionality wherein Yahoo! has altered their own company logo to celebrate the Christmas season. Wolff teaches that is known in the prior art to use different types of images for seasonal and one time use (column 2, ll. 27-28). It would have been obvious to one of ordinary skill in the art to enable the teachings of Wolff wherein the ability to display clickable images to a user on a web page in combination with the functionalities of Yahoo! wherein it is taught that one of ordinary skill can alter an image and upload it for display to a user on a web page. Further, it would have been obvious to associate the "search term" to relate to the graphical icon image as taught by Wolff because the keyword associated with the icon image is supposed to directly

identify the product or service being represented by use of the icon image and when a user interacts (clicks) on the icon image (see Wolff, col. 8, ll. 43-49), it is deemed obvious that search results should be directly related to whatever the icon represents instead of erroneous data. One of ordinary skill would not find it desirable to provide search results that are totally unrelated to what is being displayed by the icon image. Therefore, in view of Yahoo!, if an image is altered in some sort of way, the keyword associated with the image should be changed accordingly so that the keyword corresponds to the image in some sort of way. One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teachings of Yahoo! with what is taught by Wolff as outlined above. One of ordinary skill in the art would have been motivated to make such a combination due to being from the same field of endeavor (client-server network systems) and for the reasons stated above, particularly teaching the use of displaying images to user that are deemed clickable by Wolff and Yahoo! for teaching the use of altered images which may commemorate a special event and the use of different images to be displayed to a user is deemed an obvious variation in the art. In view of Wolff, the use of different images is clearly taught as a motivation in the prior art wherein one of ordinary skill in the art may find it useful to use different image types for seasonal use (col. 2, ll. 27-28).

11. Regarding claim 27, Wolff teaches a method for enticing users to access a web page comprising the use of a graphical icon image (i.e. an advertisement banner) wherein the icon image is uploaded for display to a user on a web page. A keyword (search term) (indicia) is associated with the icon image wherein when the user selects

the icon image a search is invoked to search an online database and then the search results are presented to the user on a web page (see Wolff, column 8, line 56 - column 9, line 15). Wolff does not explicitly teach that the graphical icon image is a standard company logo that can be modified to become a special event logo. However, in related art, Yahoo! teaches wherein a company logo can be modified to commemorate a special event (see Yahoo!). Wolff provides an environment wherein different icon images can be displayed to a user on a web page and therefore it is deemed an obvious variation to present to a user an altered image. Yahoo! demonstrates this functionality wherein Yahoo! has altered their own company logo to celebrate the Christmas season. Wolff teaches that is known in the prior art to use different types of images for seasonal and one time use (column 2, ll. 27-28). It would have been obvious to one of ordinary skill in the art to enable the teachings of Wolff wherein the ability to display clickable images to a user on a web page in combination with the functionalities of Yahoo! wherein it is taught that one of ordinary skill can alter an image and upload it for display to a user on a web page. Further, it would have been obvious to associate the "search term" to relate to the graphical icon image as taught by Wolff because the keyword associated with the icon image is supposed to directly identify the product or service being represented by use of the icon image and when a user interacts (clicks) on the icon image (see Wolff, col. 8, ll. 43-49), it is deemed obvious that search results should be directly related to whatever the icon represents instead of erroneous data. One of ordinary skill would not find it desirable to provide search results that are totally unrelated to what is being displayed by the icon image. Therefore, in view of Yahoo!, if

an image is altered in some sort of way, the keyword associated with the image should be changed accordingly so that the keyword corresponds to the image in some sort of way. Yahoo! clearly teaches the uploading of an image to a web page in this case the uploading has been done to the home page as indicated (www.yahoo.com) and the altered image is actually being displayed where the standard company logo is customarily presented. By way of actually uploading the image to the home page by Yahoo! then it is taught by Yahoo! the functionality of home page determination. One or ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teachings of Yahoo! with what is taught by Wolff as outlined above. One of ordinary skill in the art would have been motivated to make such a combination due to being from the same field of endeavor (client-server network systems) and for the reasons stated above, particularly teaching the use of displaying images to user that are deemed clickable by Wolff and Yahoo! for teaching the use of altered images which may commemorate a special event and the use of different images to be displayed to a user is deemed an obvious variation in the art. In view of Wolff, the use of different images is clearly taught as a motivation in the prior art wherein one of ordinary skill in the art may find it useful to use different image types for seasonal use (col. 2, ll. 27-28).

12. Regarding claim 28, Wolff teaches a method for enticing users to access a web page comprising the use of a graphical icon image (i.e. an advertisement banner) wherein the icon image is uploaded for display to a user on a web page. A keyword (search term) (indicia) is associated with the icon image wherein when the user selects

the icon image a search is invoked to search an online database and then the search results are presented to the user on a web page (see Wolff, column 8, line 56 - column 9, line 15). Wolff does not explicitly teach that the graphical icon image is a standard company logo that can be modified to become a special event logo. However, in related art, Yahoo! teaches wherein a company logo can be modified to commemorate a special event (see Yahoo!). Wolff provides an environment wherein different icon images can be displayed to a user on a web page and therefore it is deemed an obvious variation to present to a user an altered image. Yahoo! demonstrates this functionality wherein Yahoo! has altered their own company logo to celebrate the Christmas season. Wolff teaches that is known in the prior art to use different types of images for seasonal and one time use (column 2, ll. 27-28). It would have been obvious to one of ordinary skill in the art to enable the teachings of Wolff wherein the ability to display clickable images to a user on a web page in combination with the functionalities of Yahoo! wherein it is taught that one of ordinary skill can alter an image and upload it for display to a user on a web page. Further, it would have been obvious to associate the "search term" to relate to the graphical icon image as taught by Wolff because the keyword associated with the icon image is supposed to directly identify the product or service being represented by use of the icon image and when a user interacts (clicks) on the icon image (see Wolff, col. 8, ll. 43-49), it is deemed obvious that search results should be directly related to whatever the icon represents instead of erroneous data. One of ordinary skill would not find it desirable to provide search results that are totally unrelated to what is being displayed by the icon image. Therefore, in view of Yahoo!, if

an image is altered in some sort of way, the keyword associated with the image should be changed accordingly so that the keyword corresponds to the image in some sort of way. One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teachings of Yahoo! with what is taught by Wolff as outlined above. One of ordinary skill in the art would have been motivated to make such a combination due to being from the same field of endeavor (client-server network systems) and for the reasons stated above, particularly teaching the use of displaying images to user that are deemed clickable by Wolff and Yahoo! for teaching the use of altered images which may commemorate a special event and the use of different images to be displayed to a user is deemed an obvious variation in the art. In view of Wolff, the use of different images is clearly taught as a motivation in the prior art wherein one of ordinary skill in the art may find it useful to use different image types for seasonal use (col. 2, ll. 27-28).

13. Regarding claim 29, Wolff and Yahoo! teach the method wherein the modifying a standard company logo includes creating the special event logo by modifying the standard company logo with one or more animated images (Yahoo!).

14. Regarding claim 31, Wolff and Yahoo! teach the medium includes instructions for modifying the standard company logo with information associated with a holiday (Yahoo!).

15. Regarding claim 32, Wolff and Yahoo! teach the processor further configured to: associate one or more search terms relating to the special event with the special event logo (Wolff, col. 8, ll. 42-46, it is deemed obvious that search results should be

directly related to whatever the icon represents instead of erroneous data. One of ordinary skill would not find it desirable to provide search results that are totally unrelated to what is being displayed by the icon image. Therefore, in view of Yahoo!, if an image is altered in some sort of way, the keyword associated with the image should be changed accordingly so that the keyword corresponds to the image in some sort of way.).

16. Regarding claim 33, Wolff and Yahoo! teach wherein the processor is further configured to:

detect a selection associated with the special event logo (Wolff, col. 9, ll. 3-13);
generate a search query based on the one or more search terms (Wolff, col. 9, ll. 3-13);
perform a search based on the search query (Wolff, col. 9, ll. 3-13); and
provide a result of the search (Wolff, col. 9, ll. 3-13).

17. Regarding claim 34, Wolff and Yahoo! teach the method wherein uploading the special event logo includes replacing the standard company logo with the special event logo on the web page (Yahoo!, page is from 12/23/1996).

18. Regarding claim 35, Wolff and Yahoo! teach the medium wherein the instructions for uploading the special event logo include:

instructions for replacing the standard company logo with the special event logo on the web page (Yahoo!, page is from 12/23/1996).

19. Regarding claim 36, Wolff and Yahoo! teach the method further comprising:

replacing the standard company logo with the special event logo (Yahoo!, page is from 12/23/1996).

20. Regarding claim 37, Wolff teaches a method for enticing users to access a web page comprising the use of a graphical icon image (i.e. an advertisement banner) wherein the icon image is uploaded for display to a user on a web page. A keyword (search term) (indicia) is associated with the icon image wherein when the user selects the icon image a search is invoked to search an online database and then the search results are presented to the user on a web page (see Wolff, column 8, line 56 - column 9, line 15). Wolff does not explicitly teach that the graphical icon image is a standard company logo that can be modified to become a special event logo. However, in related art, Yahoo! teaches wherein a company logo can be modified to commemorate a special event (see Yahoo!). Wolff provides an environment wherein different icon images can be displayed to a user on a web page and therefore it is deemed an obvious variation to present to a user an altered image. Yahoo! demonstrates this functionality wherein Yahoo! has altered their own company logo to celebrate the Christmas season. Wolff teaches that is known in the prior art to use different types of images for seasonal and one time use (column 2, ll. 27-28). It would have been obvious to one of ordinary skill in the art to enable the teachings of Wolff wherein the ability to display clickable images to a user on a web page in combination with the functionalities of Yahoo! wherein it is taught that one of ordinary skill can alter an image and upload it for display to a user on a web page. Further, it would have been obvious to associate the "search term" to relate to the graphical icon image as taught by Wolff because the

keyword associated with the icon image is supposed to directly identify the product or service being represented by use of the icon image and when a user interacts (clicks) on the icon image (see Wolff, col. 8, ll. 43-49), it is deemed obvious that search results should be directly related to whatever the icon represents instead of erroneous data. One of ordinary skill would not find it desirable to provide search results that are totally unrelated to what is being displayed by the icon image. Therefore, in view of Yahoo!, if an image is altered in some sort of way, the keyword associated with the image should be changed accordingly so that the keyword corresponds to the image in some sort of way. One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teachings of Yahoo! with what is taught by Wolff as outlined above. One of ordinary skill in the art would have been motivated to make such a combination due to being from the same field of endeavor (client-server network systems) and for the reasons stated above, particularly teaching the use of displaying images to user that are deemed clickable by Wolff and Yahoo! for teaching the use of altered images which may commemorate a special event and the use of different images to be displayed to a user is deemed an obvious variation in the art. In view of Wolff, the use of different images is clearly taught as a motivation in the prior art wherein one of ordinary skill in the art may find it useful to use different image types for seasonal use (col. 2, ll. 27-28).

21. Regarding claim 38, Wolff and Yahoo! teach the method wherein one or more search terms are associated with the special event logo (Wolff, col. 8, ll. 42-46, it is deemed obvious that search results should be directly related to whatever the icon

represents instead of erroneous data. One of ordinary skill would not find it desirable to provide search results that are totally unrelated to what is being displayed by the icon image. Therefore, in view of Yahoo!, if an image is altered in some sort of way, the keyword associated with the image should be changed accordingly so that the keyword corresponds to the image in some sort of way.); and

wherein the invoking a search relating to the special event includes:

causing a search to be performed based on the one or more search terms (Wolff, col. 9, ll. 3-13).

22. Regarding claim 39, Wolff and Yahoo! teach the method wherein the presenting a special event logo includes:

displaying the special event logo on the web page during the special event (Yahoo! image was displayed over the holiday season).

23. Regarding claim 40, Wolff and Yahoo! teach the method wherein invoking a search includes:

invoking a search of the Internet (col. 9, ll. 3-7).

24. Regarding claim 41, Wolff and Yahoo! teach the method wherein invoking a search includes:

invoking a search for web pages relating to the special event (Wolff, col. 9, ll. 3-7, a search is invoked of online content.).

25. Claims 20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff, Yahoo! and what was well known at the time of the applicant's invention.

26. Regarding claim 20, official notice is taken that the use of video or audio data to be displayed to a user on a web page was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include video or audio data in the special event logo because one of ordinary skill would have recognized the advancement of using different types of media to catch the interest of the user viewing a page.

27. Regarding claim 30, official notice is taken that the use of video or audio data to be displayed to a user on a web page was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include video or audio data in the special event logo because one of ordinary skill would have recognized the advancement of using different types of media to catch the interest of the user viewing a page.

(10) Response to Argument

A. Rejection under 35 USC 103(a) based on Wolff (US 6,247,047) in view of Yahoo!

1. Appellant argues with respect to independent claim 18 that neither Wolff nor Yahoo, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 18 because Wolff and Yahoo do not disclose or suggest associating one or more search terms with a special event logo that was created by modifying a standard company logo for a special event, where the one or more search terms relate to the special event. Examiner submits that it is best understood in the broadest sense that the "standard company logo" and the "special

event logo" in the field of the invention are images that are displayed on a web page that are viewable by a user using a web browser application. The image can have a search term associated with it and the image can be "clickable" wherein when a user "clicks" on the image a search is invoked utilizing the search term. Examiner submits that Wolff is relied upon for teaching this aspect in the art wherein Wolff teaches the displaying of an image to a user (figure 2, part 102, banner icon), the association of a search term associated with the icon based on what the icon represents through imaging means (column 8, lines 43-46, unique indicia) and the invocation of a search related to the search term (column 8, line 65 – col. 9, line 7, invoking a search based on a selection of the icon by a user utilizing the unique indicia). Examiner submits that Wolff does not explicitly teach the image being a company logo that is altered to become a special event logo and submits that in view of Yahoo, it is well known in the art that company logos can be displayed as images on web pages and the image can be altered to commemorate a special event wherein Yahoo has altered their logo to commemorate the Christmas holiday season on December 23, 1996. In view of the combination the search term would always relate to what is being displayed by the image to the user because it would not make reasonable sense to one of ordinary skill for the search term to be totally unrelated to what the image represents and therefore the obvious variant of imaging use wherein the image could be a special event company logo would be related to the topic of what the special event company logo image is portraying to a user through graphical means.

Appellant argues further with respect to independent claim 18 that it would not have been obvious to one of ordinary skill in the art at the time of appellant's invention to replace Wolff's advertisement banner with the prior art seasonal or one-time use static banner because it would be directly contrary to the whole purpose of the system of Wolff to provide information regarding an advertised product or service in response to selection of a banner advertisement relating to the product or service. Examiner submits that it would have been obvious to one of ordinary skill in the art to enable the teachings of Wolff wherein the ability to display clickable images to a user on a web page in combination with the functionalities of Yahoo! wherein it is taught that one of ordinary skill can alter an image and upload it for display to users on a web page.

Appellant argues further that the examiner's allegations are unfounded and based solely on impermissible hindsight because one of ordinary skill would not have been motivated, contrary to the examiner's hindsight reasoning, to associate a search term relating to a special event with the Yahoo logo shown in the Yahoo document. The examiner submits that In view of the combination the search term would always relate to what is being displayed by the image to the user because it would not make reasonable sense to one of ordinary skill for the search term to be totally unrelated to what the image represents and therefore the obvious variant of imaging use wherein the image could be a special event company logo would be related to the topic of what the special event company logo image is portraying to a user through graphical means.

2. Appellant argues with respect to dependent claim 40 that Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the

combination of features recited in claim 40 which recites invoking a search of the Internet. Examiner submits and maintains that Wolff teaches in column 9, lines 3-15 the searching of an online database which is considered to be a part of the Internet and is therefore within the scope of the appellant's claim 40. As is known in the art, search engines do not actually search the Internet but in fact search an indexed database of the Internet. Therefore, Wolff's searching of an online database is deemed equivalent to the searching conducted by the appellant's dependent claim 40.

3. Appellant argues with respect to independent claim 26 that Wolff and Yahoo do not disclose or suggest instructions for creating a special event logo by modifying a standard company logo for a special event. Examiner submits that Wolff does not explicitly teach the image being a company logo that is altered to become a special event logo and submits that in view of Yahoo, it is well known in the art that company logos can be displayed as images on web pages and the image can be altered to commemorate a special event wherein Yahoo has altered their logo to commemorate the Christmas holiday season on December 23, 1996. It is submitted by the examiner that the Yahoo's logo had to be modified utilizing a computer because it is a computer generated image and it is inherent that a computer must contain instructions in order to function at all. Therefore the combination of Wolff and Yahoo does teach the creating of a special event logo by modifying a standard company logo for a special event.

Appellant argues further with respect to independent claim 26 that Wolff and Yahoo do not disclose or suggest instructions for associating a link or search results with a special event logo created by modifying a standard company logo for a special

event logo, the link identifying a document relating to the special event, and the search results relating to the special event for at least reasons similar to reasons given with regard to claim 18. Examiner submits that it is best understood in the broadest sense that the "standard company logo" and the "special event logo" in the field of the invention are images that are displayed on a web page that are viewable by a user using a web browser application. The image can have a search term associated with it and the image can be "clickable" wherein when a user "clicks" on the image a search is invoked utilizing the search term. Examiner submits that Wolff is relied upon for teaching this aspect in the art wherein Wolff teaches the displaying of an image to a user (figure 2, part 102, banner icon), the association of a search term associated with the icon based on what the icon represents through imaging means (column 8, lines 43-46, unique indicia) and the invocation of a search related to the search term (column 8, line 65 – col. 9, line 7, invoking a search based on a selection of the icon by a user utilizing the unique indicia). Examiner submits that Wolff does not explicitly teach the image being a company logo that is altered to become a special event logo and submits that in view of Yahoo, it is well known in the art that company logos can be displayed as images on web pages and the image can be altered to commemorate a special event wherein Yahoo has altered their logo to commemorate the Christmas holiday season on December 23, 1996. In view of the combination the search term would always relate to what is being displayed by the image to the user because it would not make reasonable sense to one of ordinary skill for the search term to be totally unrelated to what the image represents and therefore the obvious variant of imaging use wherein the image

could be a special event company logo would be related to the topic of what the special event company logo image is portraying to a user through graphical means.

Appellant argues further that Wolff and Yahoo do not disclose or suggest instructions for uploading the special event logo to the web page. The examiner submits that the appellant has failed to accurately describe how a logo or any image for that matter can be viewable on a web page without performing an upload operation. The examiner submits that at least Yahoo teaches on this aspect of the appellant's invention wherein Yahoo clearly illustrates the display of an altered company logo to a user.

4. Appellant argues with respect to dependent claim 29 that Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 29. Claim 29 recites instructions for modifying the standard company logo with one or more animated images. Examiner submits that Yahoo teaches the modification of a logo using instructions wherein Yahoo shows a modified Yahoo logo done by computer means. The computer is required to be fed instructions in order to work at all and therefore reads on the aspect of executing instructions as required by dependent claim 29.

5. Appellant argues with respect to dependent claim 31 that Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 31. Dependent claim 31 recites instructions for modifying the standard company logo with information associated with a holiday. Examiner submits that the modified Yahoo company logo taught by the Yahoo

reference is a clear commemoration of the Christmas holiday and is therefore within the scope of being associated with a holiday.

6. Appellant argues with respect to dependent claim 35 that Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 35. Dependent claim 35 recites instructions for replacing the standard company logo with the special event logo on the web page. Examiner submits, as mentioned previously, that a computer is required to be fed instructions in order to work properly. Examiner maintains that the Yahoo reference teaches the utilization of a temporary logo, a Christmas holiday logo, in place of the regular Yahoo logo and therefore teaches the replacing of a standard logo with a special event logo.

7. Appellant argues with respect to independent claim 27 that neither Wolff nor Yahoo, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 27 because Wolff and Yahoo do not disclose or suggest a processor configured to determine a home page for a web page on a network. Examiner submits that Wolff teaches the inherent use of a computer processor by way of having an image uploaded to a web site wherein the uploading of an image would not be possible in any way without the use of a computer processor. Yahoo! teaches the uploading of an image to a web page, coincidentally to a home page, wherein the uploading has been done to the home page as indicated (www.yahoo.com) and the altered image is actually being displayed where the standard company logo is customarily presented. By having the uploading being done to the

home page it is therefore taught by Yahoo the functionality of determining the home page.

8. Appellant argues with respect to dependent claims 32 and 33 that Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 32. Dependent claim 32 recites a processor configured to associate one or more search terms relating to the special event with the special event logo. Examiner submits that Wolff is relied upon for teaching this aspect in the art wherein Wolff teaches the displaying of an image to a user (figure 2, part 102, banner icon), the association of a search term associated with the icon based on what the icon represents through imaging means (column 8, lines 43-46, unique indicia) and the invocation of a search related to the search term (column 8, line 65 – col. 9, line 7, invoking a search based on a selection of the icon by a user utilizing the unique indicia). Examiner submits that Wolff does not explicitly teach the image being a company logo that is altered to become a special event logo and submits that in view of Yahoo, it is well known in the art that company logos can be displayed as images on web pages and the image can be altered to commemorate a special event wherein Yahoo has altered their logo to commemorate the Christmas holiday season on December 23, 1996. In view of the combination the search term would always relate to what is being displayed by the image to the user because it would not make reasonable sense to one of ordinary skill for the search term to be totally unrelated to what the image represents and therefore the obvious variant of imaging use wherein the image

could be a special event company logo would be related to the topic of what the special event company logo image is portraying to a user through graphical means.

9. Appellant argues with respect to claims 28 and 36 that neither Wolff nor Yahoo, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 28 because Wolff and Yahoo do not disclose or suggest associating one or more search terms relating to a special event with a special event logo created by modifying a standard company logo with at least one or image, video, or audio data relating to the special event for at least reasons similar to reasons given with regard to claim 18. Examiner submits that Wolff is relied upon for teaching this aspect in the art wherein Wolff teaches the displaying of an image to a user (figure 2, part 102, banner icon), the association of a search term associated with the icon based on what the icon represents through imaging means (column 8, lines 43-46, unique indicia) and the invocation of a search related to the search term (column 8, line 65 – col. 9, line 7, invoking a search based on a selection of the icon by a user utilizing the unique indicia). Examiner submits that Wolff does not explicitly teach the image being a company logo that is altered to become a special event logo and submits that in view of Yahoo, it is well known in the art that company logos can be displayed as images on web pages and the image can be altered to commemorate a special event wherein Yahoo has altered their logo to commemorate the Christmas holiday season on December 23, 1996. In view of the combination the search term would always relate to what is being displayed by the image to the user because it would not make reasonable sense to one of ordinary skill for the search term to be

totally unrelated to what the image represents and therefore the obvious variant of imaging use wherein the image could be a special event company logo would be related to the topic of what the special event company logo image is portraying to a user through graphical means.

10. Appellant argues with respect to dependent claim 41 that Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 41. Claim 41 recites invoking a search for web pages relating to the special event. Examiner submits and maintains that Wolff teaches in column 9, lines 3-15 the searching of an online database which is considered to be a part of the Internet and is therefore within the scope of the appellant's claim 40. As is known in the art, search engines do not actually search the Internet but in fact search an indexed database of the Internet. Therefore, Wolff's searching of an online database is deemed equivalent to the searching conducted by the appellant's dependent claim 41.

11. Appellant argues with respect to claims 37-39 that neither Wolff nor Yahoo, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 37 because Wolff and Yahoo do not disclose or suggest invoking a search for web pages relating to the special event in response to a received selection of a special event logo. Examiner submits and maintains that Wolff teaches in column 9, lines 3-15 the searching of an online database which is considered to be a part of the Internet and is therefore within the scope of the appellant's claim 40. As is known in the art, search engines do not actually search the Internet but in fact

search an indexed database of the Internet. Therefore, Wolff's searching of an online database is deemed equivalent to the searching conducted by the appellant's claims.

12. Appellant argues with respect to dependent claim 22 that Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 22. Dependent claim 22 recites associating one or more search terms relating to the special event, and performing the search based on the one or more search terms. Examiner submits that Wolff is relied upon for teaching this aspect in the art wherein Wolff teaches the displaying of an image to a user (figure 2, part 102, banner icon), the association of a search term associated with the icon based on what the icon represents through imaging means (column 8, lines 43-46, unique indicia) and the invocation of a search related to the search term (column 8, line 65 – col. 9, line 7, invoking a search based on a selection of the icon by a user utilizing the unique indicia). Examiner submits that Wolff does not explicitly teach the image being a company logo that is altered to become a special event logo and submits that in view of Yahoo, it is well known in the art that company logos can be displayed as images on web pages and the image can be altered to commemorate a special event wherein Yahoo has altered their logo to commemorate the Christmas holiday season on December 23, 1996. In view of the combination the search term would always relate to what is being displayed by the image to the user because it would not make reasonable sense to one of ordinary skill for the search term to be totally unrelated to what the image represents and therefore the obvious variant of imaging use wherein the image

could be a special event company logo would be related to the topic of what the special event company logo image is portraying to a user through graphical means.

B. Rejection under 35 USC 103(a) based on Wolff (US 6,247,047) in view of Yahoo! and what was well known at the time of the applicant's invention.

1. Appellant argues with respect to dependent claim 20 that Wolff and Yahoo do not disclose or suggest the combination of features recited in claim 20. Dependent claim 20 recites creating the special event logo by modifying the standard company logo with at least one of video or audio data. The examiner had taken official notice with respect to use of video or audio data on a web page. The examiner submits that it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include video or audio data in the special event logo because one of ordinary skill would have recognized the advancement of using different types of media to catch the interest of the user viewing a page.

2. Appellant argues with respect to dependent claim 30 that Wolff, Yahoo and what was well known at the time of the appellant's invention do not disclose or suggest the combination of features recited in claim 30. Dependent claim 30 recites instructions for modifying the standard company logo with at least one of video or audio data. The examiner had taken official notice with respect to use of video or audio data on a web page. The examiner submits that it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include video or audio data in the special event logo because one of ordinary skill would have recognized the

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advancement of using different types of media to catch the interest of the user viewing a page.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Benjamin A. Ailes 

Conferees:

Andrew Caldwell



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER



JASON CARDONE
SUPERVISORY PATENT EXAMINER